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ATTORNEYS FOR REPRESENTATIVE  
 PLAINTIFF RADIO CITY, INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

IN RE TELESCOPES ANTITRUST  
 LITIGATION

This Document Relates to:

SPECTRUM SCIENTIFICS LLC, RADIO  
 CITY, INC., and those similarly situated,

Plaintiffs,

v.

CELESTRON ACQUISITION, LLC, SUZHOU  
 SYNTA OPTICAL TECHNOLOGY CO., LTD.,  
 SYNTA CANADA INT'L ENTERPRISES  
 LTD., SW TECHNOLOGY CORP., OLIVON  
 MANUFACTURING CO. LTD., OLIVON USA,  
 LLC, NANTONG SCHMIDT OPTO-  
 ELECTRICAL TECHNOLOGY CO. LTD.,  
 NINGBO SUNNY ELECTRONIC CO., LTD.,  
 PACIFIC TELESCOPE CORP., COREY LEE,  
 DAVID SHEN, SYLVIA SHEN, JACK CHEN,  
 JEAN SHEN, JOSEPH LUPICA, DAVE  
 ANDERSON, LAURENCE HUEN, and DOES  
 1-50,

Defendants.

Case No. 5:20-cv-03639-EJD

Case No. 5:20-cv-03642-EJD

**SUPPLEMENTAL DECLARATION OF  
 RONALD J. FISHER IN SUPPORT OF  
 DPPS' OPPOSITION TO  
 DEFENDANTS' MOTION FOR  
 TERMINATING SANCTIONS AGAINST  
 DPP PUTATIVE CLASS, OR  
 ALTERNATIVELY, FOR ISSUE AND  
 EVIDENCE SANCTIONS AND  
 ADVERSE INFERENCE INSTRUCTION  
 AND TO REQUEST FOR MONETARY  
 SANCTIONS**

**Date:** April 6, 2023  
**Time:** 9:00 a.m.  
**Judge:** Hon. Edward J. Davila  
**Location:** Courtroom 4 – 5th Fl.

**Compl. Filed:** June 1, 2020  
**Third Am.** August 31, 2021  
**Compl. Filed:**  
**Trial Date:** None Set

Case No. 5:20-cv-03642-EJD

1 I, Ronald J. Fisher, declare:

2 1. I am licensed to practice before this Court and a partner at BraunHagey & Borden  
3 LLP, counsel of record for Plaintiff Radio City, Inc and the Direct Purchaser Plaintiffs (“DPP”)  
4 class. I make this declaration based on my own personal knowledge. If called as a witness, I could  
5 and would testify competently to the facts stated herein.

6 2. In my original declaration, I identified categories of financial and transaction-related  
7 documents that DPPs produced to Defendants, including (1) Radio City’s purchasing invoices from  
8 Celestron, (2) annual sales reports for Radio City’s sales of Celestron telescopes and telescope  
9 accessories, (3) Radio City’s monthly financial statements covering multiple years and (4) sales  
10 orders for Radio City’s sales of Celestron telescopes and telescope accessories. I make this  
11 declaration to provide the Court with exemplars of documents related to Defendants’ motion for  
12 terminating sanctions (Dkt. 322).

13 3. Attached as **Exhibit 1** is a true and correct copy of a compilation of purchasing  
14 invoices for purchases Radio City made from Celestron in the year 2014. This document bears the  
15 bates range DPP00056958 to DPP00057017. DPPs also produced compilations of purchasing  
16 invoices for purchases Radio City made from Celestron in the years 2015 and 2016. These  
17 documents bear the bates ranges DPP00057018 to DPP00057089 and DPP00057090 to  
18 DPP00057171, respectively. These documents were produced on September 24, 2021.

19 4. Attached as **Exhibit 2** is a true and correct copy of a compilation of annual sales  
20 reports for Radio City’s sales of Celestron telescopes and telescope accessories between the years  
21 2006 and 2018. This document bears the bates range DPP00057865 to DPP00057890. These  
22 documents were produced on September 24, 2021.

23 5. Attached as **Exhibit 3** is a true and correct copy of a monthly financial statement  
24 prepared for Radio City by its accountant for the month of August in the year 2016. This document  
25 bears the bates range DPP00056369 to DPP00056381. DPPs produced monthly financial  
26 statements to Defendants for each month between July 2014 and December 2016. These documents  
27 bear the bates ranges DPP00046195-00046200, DPP00046213-00046218, DPP00046228-  
28 00046233, DPP00046246-00046251, DPP00046262-00046267, DPP00046280-00046285,

1 DPP00056149-00056154, DPP00056155-00056167, DPP00056168-00056180, DPP00056181-  
 2 00056193, DPP00056194-00056199, DPP00056200-00056212, DPP00056213-00056218,  
 3 DPP00056219-00056231, DPP00056232-00056237, DPP00056238-00056250, DPP00056251-  
 4 00056263, DPP00056264-00056277, DPP00056278-00056289, DPP00056290-00056302,  
 5 DPP00056303-00056315, DPP00056316-00056328, DPP00056329-00056342, DPP00056343-  
 6 00056355, DPP00056356-00056368, DPP00056369-00056381, DPP00056382-00056394,  
 7 DPP00056395-00056407, DPP00056408-00056420, and DPP00056421-00056455. These  
 8 documents were produced on September 24, 2021.

9         6. Attached as **Exhibit 4** is a true and correct copy of a sales order processed for Radio  
 10 City's sale of a Celestron telescope or telescope accessory on August 20, 2016. This document  
 11 bears the bates number DPP00022969. DPPs have produced a large amount of Radio City's sales  
 12 orders to Defendants in this case.

13         7. DPPs also produced compilations of Radio City's weekly sales reports to  
 14 Defendants. Attached as **Exhibit 5** is a true and correct copy of a compilation of weekly sales  
 15 reports covering the time period January to December 2014. This document bears the bates range  
 16 DPP00520235 to DPP00520295. DPPs also produced compilations of Radio City's weekly sales  
 17 reports to Defendants for the years 2015 and 2016. These documents bear the bates ranges  
 18 DPP00519609 to DPP00519667 and DPP00520300 to DPP00520357, respectively.

19         8. DPPs also produced Radio City's quarterly sales reports to Defendants. Attached as  
 20 **Exhibit 6** is a true and correct copy of a quarterly sales report for the Radio City Astronomy  
 21 Department, generated on November 5, 2014, covering the time period from July 1, 2014 to  
 22 September 30, 2014. This document bears the bates numbers DPP00054440 and DPP00054460.

23         9. On March 3, 2023, I notified Defendants that boxes of purchase receipts had been  
 24 collected from Radio City and that DPPs would make them available for Defendants to inspect and  
 25 scan at DPPs' counsel's offices. Attached as **Exhibit 7** is a true and correct copy of the letter I sent  
 26 to Defendants on March 3, 2023, notifying them of this information. Defendants have not contacted  
 27 DPPs to request an inspection or otherwise retrieve copies of the receipts.

28

1           10.     In my original declaration, I identified a full composite report that was produced to  
2 Defendants for the time period January to June 2014. Attached as **Exhibit 8** is a true and correct  
3 copy of relevant pages from this composite report, including a monthly sales report for the month  
4 of April 2014 and the cover pages from an April 2014 stock status report, a July 2014 register  
5 report, a July 2014 used report, and a June 2014 open invoice report.

6           11.     Attached as **Exhibit 9** is a true and correct copy of a July 1, 2014, Register Report  
7 that was produced to Defendants bearing the bates number DPP00521051.

8           12.     Attached as **Exhibit 10** is a true and correct copy of a July 21, 2014, Register Report  
9 that was produced to Defendants bearing the bates number DPP00013445.

10          13.     Attached as **Exhibit 11** is a true and correct copy of a document that was produced  
11 to Defendants bearing the bates range DPP00521652 – DPP00521664.

12           I swear under penalty of perjury of the laws of the United States that the foregoing is true  
13 and correct to the best of my knowledge.

14  
15 Dated: April 5, 2023

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*/s/ Ronald J. Fisher*  
Ronald J. Fisher